

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DANNY ANTONIO RAKESTRAW, JR.

PETITIONER

V.

CIVIL ACTION NO. 3:15-cv-34-DPJ-FKB

WARDEN UNKNOWN ROBINSON

RESPONDENT

ORDER OF DISMISSAL

This cause is before the Court *sua sponte*. At the time he filed this action, *pro se* Petitioner Danny Antonio Rakestraw, Jr. was incarcerated at the Lauderdale County Detention Center in Meridian, Mississippi. On June 9, 2015, the Court ordered [6] Rakestraw to file, by June 26, 2015, a response indicating the results of his March 25, 2015, trial setting. No response was filed, nor was the Order returned as undeliverable. On July 21, 2015, the Court entered an Order to Show Cause [7], directing Rakestraw to show cause by August 7, 2015, why this case should not be dismissed for failure to prosecute and failure to file a response to the Court's Order [6].

To date, Rakestraw has not filed his Response, notified the Court any address change, or otherwise contacted the Court. In the Court's prior Orders [3, 4, 7], Rakestraw was advised that a failure to comply with any Court Order and/or to keep the Court apprised of his address may result in dismissal.¹

Accordingly, the Court finds that this action should be dismissed without prejudice.

¹On January 16, 2015, the Court directed Petitioner to complete and file a certificate in support of his motion to proceed *in forma pauperis* [3], and on February 18, 2015, the Court deemed his *ifp* application moot [4] because he paid the filing fee. Both Orders warned him that a failure to comply with orders of the Court or to advise the Court of a change of address will result in dismissal. Orders [3, 4].

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure

58.

SO ORDERED AND ADJUDGED this the 24nd day of August, 2015.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE